

REMARKS

This is a full and timely response to the non-final Office Action mailed on August 30, 2005 (Paper No./Mail Date 08222005). Reconsideration and allowance of the Application and present claims are respectfully requested. Applicants should not be presumed to agree with any statements made by the Examiner regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by Applicants.

I. Response to Claim Rejections Under 35 U.S.C. §103

Claims 1-2 and 4-10 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Soeda (U.S. Patent 4,356,214) in view of Shaffer (US 2004/0149391). Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Soeda and Shaffer further in view of U.S. Patent 5,962,779 to Bass. New claims 11 - 14 are added. No new matter is presented as explained below.

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference(s) must teach or suggest all elements/features of the claimed invention to one of ordinary skill in the art. The Soeda and Shaffer references do not teach all of the elements/features of independent claims 1, 9 and 10. Therefore, Applicants respectfully request withdrawal of the rejections.

A. Claim 1

Claim 1 recites a system for filling a tire and wheel assembly with a mixture of reactants for reacting within the tire and wheel assembly to create a foam-fill within the assembly, that includes a cart, a mixer associated with the cart for receiving the reactants to be reacted within the tire and wheel assembly, supply lines attached to the mixer for delivering the reactants into the mixer, and a gas supply line attached to the mixer for delivering gas directly into the mixer, the gas to be entrained in the reactants in the mixer, the gas line being operable to deliver gas into the mixer while the supply lines are operable to deliver the reactants into the mixer.

In contrast, Soeda discloses a method and apparatus for forming a puncture preventing layer for a tire. Soeda does not provide a foam fill for a tire and wheel assembly. Instead Soeda teaches spraying a sealing material under pressure on the inside surface of a tire carcass, before the tire is mounted on a wheel assembly. The sealing layer is not a foam fill. The sealing layer

does not result in a foam material. Soeda does not disclose a mixer for receiving reactants and creating a mixture of reactants or involve mixing reactants to create a foam fill material. Additionally, Soeda does not provide a gas supply line attached to a mixer for delivering gas directly into the mixer, the gas to be entrained in reactants in the mixer. The Office Action acknowledges that Soeda does not explicitly teach a mixer mounted to a cart, supply lines attached to the mixer or a gas supply line attached to the mixer.

The reliance upon Shaffer does not cure the omissions in the disclosure of the Soeda patent. The Shaffer apparatus is not designed to mix reactants for the purpose of creating a foam fill product. While Shaffer discloses an apparatus for making tires filled with flat proofing material, the flat proofing material is not a foam fill material. Instead, Shaffer discloses a system including a grinding device for grinding cured polyurethane and a mixer for mixing the ground polyurethane and a liquid virgin polyurethane and transferring the mixed material into the core of a tire. Thus, Shaffer does not disclose supply lines attached to the mixer for delivering reactants into the mixer for creating a foam fill. Additionally, while Shaffer discloses a gas supply line attached to the mixer, the gas supply line is designed as an air purge/cleaning system that includes check valves 320, 322 and 344 for preventing the simultaneous operation of the cleaning/purging system and the mixer. See paragraph 063. Accordingly, Shaffer fails to disclose a gas supply line attached to the mixer for delivering gas directly into the mixer, the gas to be entrained in the reactants in the mixer.

As can be seen from the foregoing, the combination of the Soeda and Shaffer references fails to teach all of the elements/features of claim 1.

B. Claims 2 and 4-8

Because independent claim 1 is allowable over the cited art of record, dependent claims 2 and 5-8 are believed allowable as a matter of law for at least the reason that dependent claims 2 and 5-8 contain all features and elements of their respective independent base claim. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 2 and 4-8 should be withdrawn for at least this reason, among others.

C. Claim 3

Claim 3 depends upon claim 1. Since claim 3 includes all of the elements/features of claim 1, it is believed allowable for at least the same reasons as claim 1. Additionally, it is

believed allowable on its own since none of the three cited references suggests including a weight scale with the work surface of claim 1.

D. Claims 9 and 10

Claims 9 and 10 include the features of claim 1 recited above, in particular, the aforementioned mixer, supply lines and gas supply line. Accordingly, Applicants submit that the combination of the Soeda and Shaffer references fails to teach all of the elements/features of claims 9 and 10 for the same reasons mentioned above in relation to claim 1.

E. New Claims 11-14

New claims 11-14 have been added. No new material is believed to be included in these new claims. Claims 11 and 14 are patterned after claims 3 and 8, but dependent upon either claim 9 or 10.

F. Miscellaneous

The preamble of claims 1, 9 and 10 has been voluntarily amended to correct the antecedent reference to "a tire and wheel assembly" appearing in the first line of each of the three claims.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 1-14 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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